

**REMARKS**

***Status of Application***

Before entry of this amendment, claims 1, 5, 6, and 10 were pending and have been examined. Claims 2-4 and 7-9 had been examined and were withdrawn from consideration by the Examiner. Claims 11-15 are unexamined and were withdrawn by the Examiner before consideration. By entry of this Amendment, claims 5 and 10 are cancelled and claims 1 and 6 are all the claims pending in the Application.

***Restriction Requirement***

An election of species requirement was made final by the Examiner (Office Action, page 2). Applicant respectfully submits, that at a minimum, claims 11-15 should be considered on the merits since they depend from the elected species. Applicant additionally submits that claims 1 and 6 are generic and allowable for the reasons discussed below, and therefore claims 11-15 should be rejoined.

***Amendments to the Claims***

Applicant has incorporated the features of dependent claims 5 and 10 into independent claims 1 and 6, respectively. In addition to incorporating the features of these claims, Applicant has additionally amended claims 1 and 6 to more particularly claim aspects of the invention. Applicant submits that the amendments are fully supported by the specification, do not constitute new matter, and do not require a new search.

***Claim Rejections - 35 U.S.C. § 103***

Claims 1 and 6 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japanese Publication No. 2001-042451 to Fukushima et al. (hereinafter “Fukushima”) in

view of Japanese Publication No. 2001-018497 to Tanaka (hereinafter “Tanaka”) in further view of US Publication No. 2004/0012797 to Letellier (hereinafter “Letellier”) in further view of US Patent No. 7046383 to Ueda et al. (hereinafter “Ueda”).

Applicant traverses the grounds of rejection as the references do not teach all the features of the claims, the Office Action fails to make a *prima facie* rejection of the claims by inconsistently applying the references, and that one of ordinary skill in the art would not have been motivated to combine the references. Applicant additionally submits that the rejections of claims 11-15 should be withdrawn and the claims examined in view of the features described therein, and submits that these features are not taught or suggested by the art of record.

***Deficiency of the References***

With regard to the first matter, Applicant respectfully submits that the references fail to teach all the features of the claims. For example, claim 1 features constantly computing a remaining requisite printing time by newly computing the remaining requisite printing time based on the printing execution progress. The Office Action provides Tanaka paragraph 30 as allegedly teaching this feature (Office Action, page 11).

Rather than constantly computing a remaining perquisite printing time, the computation in Tanaka instead occurs *only in a single step*: step S4 (para. 30). There is *no constant computing* of a remaining prerequisite time, as Tanaka merely computes a printing time at the time of reservation processing, S4. Additionally, the displayed time of Tanaka is not newly computed based on printing execution *progress*, as featured in the claim.

As the references fail to disclose all the features of the claim, the claim is patentable over the references for at least this reason. Claim 6 contains a similar feature and is therefore patentable for at least the analogous reason.

***Application of the References***

With regard to the second matter, Applicant respectfully submits that the references are inconsistently applied by the Office Action. For example, the Office Action concedes that a proper reading of claim 1 includes the computation of a requisite printing time *based on the number of printers* (Office Action, page 11, third full paragraph). In this regard, the number of printers is a *requirement* of the computation. It is also, at least implicitly, conceded by the Office Action that Ueda does *not* teach any other relation of a number of printers with other claimed aspects, such as the format and image size (Office Action, page 7, item [d]). Thus, the Office Action's admission at item (d) acknowledges this deficiency in Ueda.

Having conceded this deficiency in Ueda, it is disingenuous for the Office Action to contend that claim 1 merely requires calculation of print time for multiple printers, regardless of the parameters for format and image size (Office Action, item[d]). The Office Actions' inconsistent position underlies at least this defect in the rejection, and Applicant respectfully submits that the rejection should be withdrawn for at least this additional reason.

***Combination of the References***

With regard to the third matter, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the references. To the extent Letellier takes into account a format, it is for purposes of spooling print jobs for a *single* imaging device, e.g., a single printer (para. 25). It is only through the *single device queue* that Letellier can *effectively manage its preprocess determinations*.

For example, the preprocess time of Letellier includes the *transit* time as part of the overall print time (see Figs. 4B and 4C, elements 422 and 452). Applicant submits that the transit time can be affected by multiple conditions such as data traffic and overlap of processing

at the printer and the data source. Expanding the analysis over multiple printers cannot result in accuracy of the preprocess (and transit) time due *to the lack of predictability over multiple traffic flow patterns*. Thus, the analysis of the single image device system of Letellier cannot be extended to a situation of multiple printers, and therefore the requisite printing time is not based on such a number of printers. Thus, one of ordinary skill in the art would not have been motivated to combine the references, and Applicant submits that the rejections should be withdrawn for at least this additional reason.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned Attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Nathan Milakovich  
Registration No. 60,376

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: February 18, 2009